IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3347 OF 2007

Vilas Pandurang Hamak .. Petitioner.

V/s.

1. State of Maharashtra & Ors. .. Respondents.

Mr.R.K.Mandadkar for the Petitioner.

Mr.C.R.Sonawane, AGP for the Respondents.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 18th JUNE, 2007.

P.C. :- (Per R.M.Savant,J)

. This petition filed under Article 226 of the Constitution of India impugns the order dated 13.02.2006 passed by the Caste Scrutiny Committee, invalidating the caste certificate of the petitioner as belonging to the Mahadeo Koli, Scheduled Tribe. The petition also impugns the consequential order dated 19.04.2006 passed by the respondent No.3 i.e. Additional Collector, Raigad, disqualifying the petitioner from contesting election for a period of six years.

2. The petitioner was granted caste certificate as belonging to Mahadeo Koli by the competent authority on

19.05.1992. The petitioner contested the election to the village grampanchayat in a seat meant for the reserved category of schedule tribe. As per the practice, the caste certificate of the petitioner was referred to the respondent No.2 committee for verification. On such proceedings being commenced, the petitioner produced a host of documents in support of his claim, as mandated by the law laid down in Madhuri Patil's case a school and home inquiry was conducted. The petitioner was, thereafter, asked to appear before the Committee on various dates from 17.11.2003. The petitioner, however, did not appear and therefore, the petitioner was given a final notice to appear before the committee in support of his case on 23.11.2006. On the said date, the petitioner appeared before the committee but sought adjournment. The committee, looking to the past record of the petitioner, refused to grant adjournment and proceeded to decide the petitioner's caste claim. It is significant to note that in the enquiry by the vigilance cell, the extracts of the documents relating to the school register were placed before the committee. The said extracts are in respect of the petitioner's grandfather's cousin and his father Pandurang Bhanji Hamak. The said two entries relate to the period prior to issuance of the first Presedential order. Hence, according to the committee the same had

great probative value. In the said entry, the caste of the petitioner's grand father's cousin, father and father's cousin was recorded as Koli. Since caste is acquired by birth and since the entries in respect of the relatons on the paternal side of the petitioner in respect of three generations were Koli, the Committee was of the view that the petitioner did not belong to the Mahadeo Koli scheduled tribe and hence invalidated the certificate granted to the petitioner.

3. We do not find any illegality or infirmity in the order passed by the committee. In that view of the matter, no case for interference in the extra ordinary jurisdiction of this court under Article 226 of the Constitution of India, is made out. The petition is, therefore, summarily dismissed.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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